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SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1905.

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JAMES H. McKENNEY,

No. [redacted]249

GEORGE A. PETTIBONE, APPELLANT,

vs.

JASPER C. NICHOLS.

No. [redacted]250

CHARLES H. MOYER, APPELLANT,

vs.

JASPER C. NICHOLS.

AND

No. [redacted]251

WILLIAM D. HAYWOOD, APPELLANT,

vs.

JASPER C. NICHOLS.

MOTION TO ADVANCE.

EDMUND F. RICHARDSON,
Counsel for Appellants.

JUDD & DETWEILER (INC.), PRINTERS, WASHINGTON, D. C. 21191

(20,191, 20,192, and 20,193.)

SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1905.

No. 689.

GEORGE A. PETTIBONE, APPELLANT,

vs.

JASPER C. NICHOLS.

No. 690.

CHARLES H. MOYER, APPELLANT,

vs.

JASPER C. NICHOLS,

AND

No. 691.

WILLIAM D. HAYWOOD, APPELLANT,

vs.

JASPER C. NICHOLS.

MOTION TO ADVANCE.

Come now the above-named appellants, by their attorney, Edmund F. Richardson, and move this court to advance these causes on the docket of this court and to set the same for final argument at the earliest possible moment, and for the grounds of their motion they allege and state:

FIRST. That they are now, and ever since the nineteenth day of February, A. D. 1905, have been, unlawfully deprived of their liberty by the appellee in the above-entitled matters, and have been constantly incarcerated, either in the State penitentiary at the city of Boise, county of Ada and the State of Idaho, or in the county jail of Canyon county or the county jail of Ada county, in the State of Idaho.

SECOND. That such deprivation of their liberty was brought about by the violation of and continues in violation of the rights of these appellants as citizens of the United States, in this, that the bodies of the appellants were arrested and are detained in violation of clause 2 of section 2 of article 4 of the Constitution of the United States and section 5278 of the Revised Statutes made in pursuance thereof, all of which will more fully appear by an examination of the records heretofore lodged herein and which are hereby asked to be made a part hereof.

THIRD. That these appellants have heretofore sought and obtained writs of *habeas corpus* from the circuit court of the United States sitting in and for the central division of the State of Idaho; that a hearing has been had on the returns to said writs and the answers thereto, and that upon final hearing herein the said writs were discharged and the bodies of the appellants remanded to the custody of the said Jasper C. Nichols, in violation of the said appellants' rights as aforesaid; all of which more fully appears from the said records now lodged with the clerk of this court on appeal from said action of the said circuit court.

FOURTH. That theretofore and prior to the procuration of the said writs from the said circuit court these appellants had sought and obtained writs of *habeas corpus* from the supreme court of the State of Idaho, which said writs came on to be heard on the returns and the answers thereto, and after such

hearing and prior to the application in said circuit court the said writs are discharged by the said supreme court and the custody of the bodies of your petitioners were remanded; all of which will more fully appear from the transcripts of said proceedings, certified by the clerk of the said supreme court of the said State of Idaho pursuant to a writ of error duly sought, obtained, and perfected from this court to the said supreme court of the State of Idaho and hereafter to be filed in this court.

Wherefore these appellants pray that this court will take cognizance of this motion and advance these causes and set the same for hearing before the final adjournment of this term of this court. Failing so to do, these appellants will be compelled to remain in such unlawful custody as aforesaid until such hearing can be had.

EDMUND F. RICHARDSON,
Attorney for Appellants.